

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**STEVE LEMMING,**

**Plaintiff,**

**vs.**

**MR. SHINHOLSTER, *et al.*,**

**Defendants.**

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**5:06-CV-331(CAR)**

***ORDER ON THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation (doc. 10) to dismiss the instant action without prejudice. None of the parties filed an objection to the Magistrate Judge's Recommendation. Having carefully considered the United States Magistrate Judge's Report and Recommendation, the Court agrees with the Recommendation. Accordingly, the Recommendation that the above-captioned action be **DISMISSED WITHOUT PREJUDICE** is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**.

SO ORDERED, this 1st day of May, 2007.

/s/ C. Ashley Royal  
C. ASHLEY ROYAL, JUDGE  
UNITED STATES DISTRICT COURT

JAB